UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,894	04/27/2001	Hiroko Shimizu	1341.1092	7590

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EXAMINER
SING, SIMON P

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 February 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>9 and 11-18</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>9 and 11-18</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1.   Claim 9, line 17, recites a limitation "a unified manner", which is indefinite, failing

to conform with current U.S. practice. It appears to be a literal translation into English

from a foreign document and is replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 9, 11-14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Price US 6,389,132 in view of Anderson et al. US 6,233,332 and

further in view of Flockhart et al. US 5,982,873 and further in view of Shrivelman et al.

US 6,263,066.

2.1   Regarding claim 9, Price discloses a multi-tasking call center in figure 1,

comprising:

at least one customer (client) terminal 12 comprising either a telephone or a

computer, the call center 28 is accessible by said computer via Internet 14 and a Web

Server 18 (Figure 1; column 3, lines 57-65), or by said telephone via PTSN 16, for

making an inquiry (column 1, lines 5-8; column 2, lines 62-67; column 3, lines 1-10, 35-

43),

at least one agent (operator) 30 terminal through which an agent receives the

inquiry from the customer (Figure 1; column 3, lines 16-26, 35-36; column 4, lines 1-2);

and

a contact server 20 connected to said customer terminal and agent terminal

(Figure 1; column 3, lines 66-67; column 5, lines 1-10);

said customer terminal including:

a user interface with which the customer can select a type of communication

media to be used when receiving an answer from the agent (column 4, lines 7-14;

column 7 lines 30-41); and

a transmission unit which transmits the information related to the communication

media selected by the user, contents of the inquiry, and information related to the user

to said server (column 3, lines 1-4, 60-65; column 4, lines 7-9; column 7, lines 34-41),

and

said server including:

said server including:

a queue-managing unit which queue-manages inquiries in which the user has

either selected a telephone calls as the type of communication media or made the

inquiry over a telephone (column 3, lines 64-65; column 4, lines 7-18; column 7, lines 34-36); and

a processing unit which successively processes the inquiries in a queue on said agent terminal (column 4, lines 1-5).

Price fails to teach multiple queues according to media types and processing a queue queuing voice calls with higher priority over a queue queuing calls via Internet.

However, Anderson discloses a system for media independent communications processing of a call center in figures 1-3. Anderson teaches queuing incoming call as a function of media type (column 2, lines 13-17).

In addition, Flockhart discloses a call center (column 1, lines 5-8; column 2, lines 34-41), which queues incoming calls to different types of queues 21 for different types of calls, each queue holds calls of a different priority, and the priority is based on calls' medium, such as voice-only and e-mail (Abstract; column 2, lines 58-61; column 3, lines 1-2).

Furthermore, Shtivelman discloses a call center with multimedia managing and queuing system in figures 1 and 2 (column 5, lines 8-23, 54-64). Shtivelman teaches queuing incoming multimedia calls according to media types, and live (telephone) calls have higher priority over E-mail and FAX (figure 2; column 7, lines 38-54; column 8, lines 21-29, 47-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Price's reference with the teachings of Anderson, Flockhart and Shtivelman, so that incoming calls would have been queued

according to media types (i.e. telephone calls in a second queue and computer calls in

a first queue), and the telephone calls would have a higher priority and would have been

processed before the computer calls, because telephone calls were live calls (on-hold)

and computer calls were not (scheduled for callback; Price, column 4, lines 7-18), and

such a modification would have sent different queues (media types) to different agents

according to the media capability of agent terminals.

2.2   Regarding claim 11, as discussed in claim 9, the modified Price's reference

teaches queuing incoming call as a function of media types, and successively allocates

the inquiries in a queue to an agent according to priority of the queue.

2.3   Regarding claim 12, Price teaches a call center with a plurality of agent serving a

plurality of customers (Figure 1). It is inherent that a plurality of customers can be

notified at the same time.

2.4   Regarding claim 13, Price teaches that a customer may using a computer to

access the call center through Internet 14 and web server 18 in figure 1. Price further

teaches that a customer may be connected to the call center's website (column 4, lines

16-22). The customer's computer inherently has a user interface for the customer to

enter, select and display necessary information (column 4, lines 7-15; column 7, lines

34-41).

2.5   Regarding claim 14, Price discloses a method for receiving an inquiry from a

customer terminal, giving a response to the customer through an agent terminal. The

customer terminal may be a telephone, or a computer capable to access homepages or

to send and receive e-mails (Figure 1; column 3, lines 57-61; column 4, lines 7-15;

column 7, lines 30-41), comprising steps of:

a customer selecting a media type, to be used when receiving a response from

an agent terminal (column 4, lines 7-18; column 7, lines 34-41);

said customer terminal transmitting information related to the type of

communication media type selected by the user, the contents of the inquiry and

information related to the user to a server (column 1, lines 5-8; column 2, lines 62-67;

column 3, lines 1-10; column 4, lines 7-9; column 7, lines 34-41); and

said server queue-managing the inquiries in a queue (column 3, lines 66-67).

Price fails to teach managing queues in accordance to media types.

However, Anderson discloses a system for media independent communications

processing of a call center in figures 1-3. Anderson teaches queuing incoming call as a

function of media type (column 2, lines 13-17).

In addition, Flockhart discloses a call center (column 1, lines 5-8; column 2, lines

34-41), which queues incoming calls to different types of queues 21 for different types of

calls, each queue holds calls of a different priority, and the priority is based on calls'

medium, such as voice-only and e-mail (Abstract; column 2, lines 58-61; column 3, lines

1-2).

Furthermore, Shtivelman discloses a call center with multimedia managing and queuing system in figures 1 and 2 (column 5, lines 8-23, 54-64). Shtivelman teaches queuing incoming multimedia calls according to media types, and live (telephone) calls have higher priority over E-mail and FAX (figure 2; column 7, lines 38-54; column 8, lines 21-29, 47-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Price's reference with the teachings of Anderson, Flockhart and Shtivelman, so that incoming calls would have been queued according to media types (i.e. telephone calls in a second queue and computer calls in a first queue), and the telephone calls would have a higher priority and would have been processed before the computer calls, because telephone calls were live calls (on-hold) and computer calls were not (scheduled for callback; Price, column 4, lines 7-18), and such a modification would have sent different queues (media types) to different agents according to the media capability of agent terminals.

2.6   Regarding claims 17 and 18, as discussed in claim 9, telephone calls queued in the second queue have a higher priority and are processed first before computer calls queued in the first queue. It is inherent that when all calls in the second queue are processed (second queue is empty), the contact server 20 will send the first queue to agents for processing.

3.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price US

6,389,132 in view of Anderson et al. US 6,233,332.

Price discloses a method for receiving an inquiry from a customer terminal, giving

a response to the customer through an agent terminal, the customer terminal may be a

telephone or a computer capable to access homepages or send and receive e-mails

(Figure 1; column 3, lines 57-61; column 4, lines 7-15; column 7, lines 30-41), since

Price's system utilizes servers 18-22 and computers [both user and agent terminals],

inherently it has computer programs for:

display a user interface to a customer's terminal so that a customer can select a

media type, to be used when receiving a response from an agent terminal (column 4,

lines 7-15; column 7, lines 34-41);

transmitting from said customer terminal information related to the type of

communication media type selected by the user, the contents of the inquiry and

information related to the user to a server (column 1, lines 5-8; column 2, lines 62-67;

column 3, line 1; column 7, lines 34-41); and

processing customer's inquiries displayed on an agent's terminal (column 4, lines

1-22; column 5, lines 1-14).

Price teaches that said server queue-managing the inquiries in a queue (column

3, lines 66-67), fails to specifically teach computer programs for putting calls made via

both telephones and computers in the queue if the queue is not full.

However, Anderson discloses a system for media independent communications

processing of a call center in figures 1-3. Anderson teaches queuing incoming calls in a

single queue for first-come-first-served regardless of media types (column 7, lines 29-40; column 8, lines 28-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Price's reference with the teaching of Anderson so that an additional computer program would have been stored for queuing incoming call to a single queue, because such a modification would have clarified Price's teaching of queuing incoming calls and would have would have served customers in a first-come-first served order.

4.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price US 6,389,132 in view of Anderson et al. US 6,233,332 and further in view of Shrivelman et al. US 6,263,066.

Price discloses a method for receiving an inquiry from a customer terminal, giving a response to the customer through an agent terminal, the customer terminal may be a telephone or a computer capable to access homepages or send and receive e-mails (Figure 1; column 3, lines 57-61; column 4, lines 7-15; column 7, lines 30-41), since Price's system utilizes servers 18-22 and computers [both user and agent terminals], inherently it has computer programs for:

display a user interface to a customer's terminal so that a customer can select a media type, to be used when receiving a response from an agent terminal (column 4, lines 7-18; column 7, lines 34-41);

transmitting from said customer terminal information related to the type of

communication media type selected by the user, the contents of the inquiry and

information related to the user to a server (column 1, lines 5-8; column 2, lines 62-67;

column 3, lines 1-10; column 7, lines 34-41); and

processing customer's inquiries displayed on an agent's terminal (column 4, lines

1-22; column 5, lines 1-14).

Price teaches that said server queue-managing the inquiries in a queue (column

3, lines 66-67), fails to specifically teach computer programs for putting calls made via

both telephones and computers in the queue if the queue is not full and the calls made

via telephone would have a higher priority.

However, Anderson discloses a system for media independent communications

processing of a call center in figures 1-3. Anderson teaches queuing incoming calls in a

single queue regardless of media types (column 7, lines 29-40; column 8, lines 28-43).

In addition, Shtivelman discloses a call center with multimedia managing and

queuing system in figures 1 and 2 (column 5, lines 8-23, 54-64). Shtivelman teaches

queuing incoming multimedia calls to a single queue according to media types, and live

(telephone) calls have higher priority over E-mails and FAX (figure 2; column 7, lines

38-54; column 8, lines 21-29, 47-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the Price's reference with the teachings of

Anderson, and Shtivelman, so that incoming calls would have been queued to a single

queue, such that telephone calls would have had a higher priority, and would have been

processed before the computer calls, because telephone calls were live calls (on-hold) and computer calls were not (scheduled for callback; Price, column 4, lines 7-18).
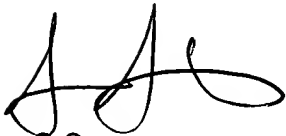
Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for

the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-4750.

S.S.

04/23/2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600